IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1373 OF 2005
IN
SUIT NO.3236 OF 1998

K.S.Enterprises & Ors. ..Plaintiffs.

Vs.

Avadhnarayan Bishwanath
Upadhya & Ors. ..Defendants.

And

Smt.Neena R. Khanna & Ors. ..Applicants.

Mr.N.G.Bhatt for the Applicants.
Mr.Atul Damle for the Plaintiffs.
Mr.Rajiv Mane for Defendant No.36.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH FEBRUARY, 2006

P.C. :

The Applicants have filed this Chamber Summons to be impleaded as Defendant Nos.37, 38 and 39 to the suit.

2. The suit is filed for a declaration that Defendant Nos.1 to 35 are trespassers in respect of the suit properties and for a decree for possession of the premises in occupation of the said Defendants.

3. The Applicants claim to be the heirs of the real

owners of the suit property. The learned counsel appearing on behalf of the Applicants states that they have raised disputes before the revenue authorities as regards the claim of the Plaintiffs for title to the suit property. The Applicant's case is that they are entitled as heirs of the real owners to the ownership of the suit property.

4. This is a suit for trespass and possession. It is open to the Applicant to adopt appropriate proceedings in accordance with law to establish their title to the suit property.

5. Mr.Damle, the learned counsel appearing on behalf of the Plaintiffs rightly agrees that the decree, if any, passed in this suit will not affect the Applicant's rights in respect of the suit property.

6. With the aforesaid clarification, the Chamber Summons is dismissed.